IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 14776 of 1997

Dated: 18.01.2007

Between:

Manthravadhi Janardhana Rao, S/o late Sitaramaiah,
Hindu, aged about 54 years, resident of Ummapur (V),
Vangoor Mandal of Mahabubnagar District. ... Petitioner

And

1. Government of Andhra Pradesh, represented by its Secretary, minor & Major Irrigation Department, Secretariat, Hyderabad.
2. Chief Engineer, Public Works Department, Somajiguda, Hyderabad.
3. District Collector, Mahabubnagar District.
4. District Collector, Nalgonda, Nalgonda District.
5. Executive Engineer, Public Works Department, Mahabubnagar District.
6. Executive Engineer, Public Works Department, Nalgonda District. ...

Respondents

HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.14776 of 1997

ORDER:

The grievance of the petitioner is that his father was the owner of an extent of Ac.30.00 of land and the Government acquired the same for the purpose of construction of Dindi project, as early as in the year 1940, and at the time of the said acquisition his father was assured that alternate land will be given to him towards compensation. However, as no alternate land was provided, the petitioner approached the authorities and requested them to pay compensation, but in- vain. Hence, the petitioner filed the present writ petition seeking a Writ of Mandamus directing the respondents to pay compensation to him together with interest and other benefits under Land Acquisition Act towards acquired and submerged lands in Dindi Project in Sy.Nos.87, 81, 83, 55, 45, 43, 44, 54, 53, 47, 46, 32, 31, 30, 29, 49, 51, 8, 10, 11, 12 in an extent of Ac.7-22 guntas Dry; Ac.4-33 guntas Single Crop Wet and Ac.16-25 guntas double crop wet of Ummapur village, Vangoor Mandal of Mahabubnagar District acquired from the petitioner's father as per file No.9/17/1350 fasli maintained by the respondents.

The Land Acquisition Officer and Revenue Divisional Officer, Mahabubnagar filed a detailed counter-affidavit on behalf of respondents 1 and 3 denying the various contentions put forth by the petitioner in the affidavit filed in support of the writ petition.

Having heard both the learned Counsel for the parties and perused the record, this Court is of the view that this writ petition itself is misconceived. There is absolutely nothing on record establishing the fact that the petitioner is the owner of the lands in question. When the same is denied by the respondents, this Court cannot go into this aspect whether the petitioner is the owner of

the lands in question or not. The petitioner has got an effective and alternate remedy of filing of a suit and seek damages in a competent Civil Court**.** Further even according to the petitioner, the lands were acquired as early as in the year 1940, whereas the present writ petition has been filed for a direction to the respondents to pay compensation in the year 1997, which, in my considered view, is definitely belated and is liable to be dismissed for laches.

Power of the High Court to exercise its jurisdiction for issuance of a writ under Article 226 of the Constitution of India is discretionary and the same shall be exercised in a judicious and reasonable way. In this context, it is necessary that the person seeking such relief is a person of unblame worthy conduct and is approaching the Court with clean hands. When it is found that the said person is approaching the Court with his blame worthy conduct of delay and laches, even it is founded that there is infringement of a legal right, the High Court shall not exercise its discretionary jurisdiction under Article 226 of the Constitution of India.

In the light of the above, this Court finds no merit in this writ petition and is accordingly dismissed. No costs.

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(GOPALA KRISHNA TAMADA, J)

18-01-2007
Gsn.